

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

STEPHEN McCOLLUM, STEPHANIE	§	
KINGREY, and SANDRA McCOLLUM,	§	
individually and as heirs at law to the Estate of	§	
LARRY GENE McCOLLUM,	§	
	PLAINTIFFS	§
		§
v.	§	CIVIL ACTION NO.
	§	3:12-cv-02037
	§	
BRAD LIVINGSTON, JEFF PRINGLE,	§	
RICHARD CLARK, KAREN TATE,	§	
SANDREA SANDERS, ROBERT EASON, the	§	
UNIVERSITY OF TEXAS MEDICAL	§	
BRANCH and the TEXAS DEPARTMENT OF	§	
CRIMINAL JUSTICE.	§	
	DEFENDANTS	§

**PLAINTIFFS' UNOPPOSED MOTION TO FILE SUR-REPLY TO DEFENDANT
UNIVERSITY OF TEXAS MEDICAL BRANCH'S MOTION TO DISMISS UNDER
RULE 12(c)**

Plaintiffs respectfully ask leave of the court to file this short sur-reply to address a new argument raised for the first time in the University of Medical Branch's reply brief.

In their reply briefing, UTMB advanced a new argument concerning the applicability of the Americans with Disabilities Act and Rehabilitation Act claims. As UTMB's new argument is flawed and reflects a fundamental misunderstanding of what illegal conduct the statutes protect people with disabilities from, Plaintiffs respectfully request leave to file a two page sur-reply, which is attached as Exhibit A.

Plaintiffs' counsel has conferred with defense counsel and they are not opposed to Plaintiffs' motion for leave.

Respectfully submitted,

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ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

By my signature above, I certify that a true and correct copy of the foregoing has been served on all counsel of record through the Electronic Case Files System of the Northern District of Texas.

By /s/ Jeff Edwards
JEFF EDWARDS

CERTIFICATE OF CONFERENCE

By my signature above, I certify that I conferred with counsel for the Defendants by email and they are unopposed to the relief requested in this motion.

By /s/ Jeff Edwards
JEFF EDWARDS